

REMARKS

A. Status of the Claims

Claims 1, 17, and 19 have been amended to more clearly define that which Applicants' regard as their invention. Claims 21-26 are deleted without prejudice to future prosecution. Therefore, upon entry of this amendment, claims 1-2, and 17-20 are pending. Therefore, no new matter is entered with this amendment.

B. Rejection under 35 U.S.C. § 112, Second Paragraph - Indefiniteness

Claims 1-2 and 17-18 stand rejected as allegedly indefinite for the recitation of "an ammonium cation." Claims 1 and 17 have been amended to recite "the" ammonium cation as suggested by the Examiner. Therefore, withdrawal of the rejection is respectfully requested.

C. Rejection under 35 U.S.C. § 112, First Paragraph - Written Description

Claims 21-26 stand rejected as allegedly lacking written description. To expedite prosecution, Applicants have canceled claims 21-26. Therefore, withdrawal of the rejection is respectfully requested.

D. Rejection under 35 U.S.C. § 112, First Paragraph - Enablement

Claims 19-26 stand rejected as allegedly non-enabled. The cancellation of claims 21-26 renders the rejection moot with respect to those claims. With respect to claims 19-21, Applicants respectfully disagree with the rejection.

The Examiner asserts that the compounds of claims 19-26 "do not fall within the ambit of formula I." See the Official Action mailed March 30, 2005, page 4, lines 5-6. To further clarify the scope of formula I, claim 19 has been amended to depend from claim 1.

The specification as originally filed explicitly recites that formula I includes compounds in which Z is attached via a double bond (i.e. cephempropenyl phenol ethers). For example, the specification discloses: "A general method for synthesis of compounds *of general formula I* is depicted below (Scheme 1)." See paragraph [0050] (emphasis added). Scheme 1 discloses a synthetic route to a cephempropenyl phenol ether (i.e. a compound in which Z is attached via a double bond). Further cephempropenyl phenol ethers of formula 1 are disclosed in

Table 1. Because the cephempropenyl phenol ether compounds of Table 1 and Scheme 1 are explicitly included within the genus of formula I, Applicants respectfully submit that the compounds of claim 19 do, in fact, fall within the ambit of formula I.

Moreover, claim 4 as originally filed recites the structure of a cephempropenyl phenol ether. Claim 4 depends from claim 1, which recites formula I. Therefore, the specification as originally filed clearly defines formula I as including cephempropenyl phenol ethers.

The Examiner is respectfully reminded that claims *must* be given their broadest reasonable interpretation, *taking into account Applicants' disclosure*. See MPEP §2111, discussing *In re Morris*, 127 F.3d 1048, 1054-55, 44 USPQ2d 1023, 1027-28 (Fed. Cir. 1997) (The "PTO applies to verbiage of the proposed claims the broadest reasonable meaning of the words in their ordinary usage as they would be understood by one of ordinary skill in the art, *taking into account whatever enlightenment by way of definitions or otherwise that may be afforded by the written description* contained in applicant's specification." (emphasis added)).

Because the compounds of claim 19 fall within the ambit of formula I, Applicants respectfully request withdrawal of the rejection.

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Amdt. dated September 30, 2005
Reply to Office Action of March 30, 2005



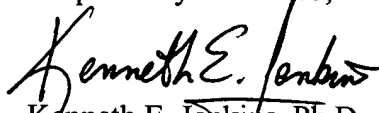
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CONCLUSION

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 858-350-6100.

Respectfully submitted,


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